

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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**BUILDING TRADES UNITED  
PENSION TRUST FUND et al.  
Plaintiffs,**

v.

**Case No. 05-C-0642**

**RESILIENT FLOORING, INC.  
Defendant.**

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**DECISION AND ORDER**

Plaintiffs filed this action on June 13, 2005, alleging that defendant violated the Employee Retirement Income Security Act (“ERISA”) and Labor Management Relations Act (“LMRA”) by failing to make contributions to plaintiffs in accordance with certain collective bargaining agreements. Defendant never responded to plaintiffs’ complaint, and the clerk of court entered defendant’s default on August 23, 2005.

Plaintiffs have requested an order requiring defendant to submit to an audit of its books so that plaintiffs can calculate their damages. Because plaintiffs are entitled to audit defendant’s books pursuant to the collective bargaining agreements, defendant is **HEREBY ORDERED** to submit within ten days of the date of this order to an audit of the company’s books and records by plaintiffs’ designated representative covering the period January 1, 2004 to the present date. After plaintiffs have audited defendant’s books, they may request that judgment be entered for the total amount of their damages. Because plaintiffs’ damages are presently unknown, their pending application for default judgment is **DENIED WITHOUT PREJUDICE**.

Dated at Milwaukee, Wisconsin this 2 day of November, 2005.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge